



## **Sexual Misconduct Policy**

An educational institution is a community of trust whose very existence depends on the recognition of each individual's importance and value. This trust creates the freedom for each individual to live, think, act, and speak without fear of physical harm. Sexual assault is a violent crime that shatters the bond of trust within our community. The Virginia Community College System will not tolerate sexual assault in any form. Sexual assault is a flagrant violation of the values and behavioral expectations for our College community and all reported violations will be aggressively investigated. Sexual misconduct is punishable through civil and criminal proceedings, as well as through College disciplinary processes.

The policy is written with four distinct objectives: (1) to define the various types of sexual misconduct, (2) to increase awareness of the negative consequences of sexual misconduct for the victim, perpetrator, and institution; (3) to encourage victims to report incidents of abuse and seek help; and (4) to provide information regarding resources, support, and options for victims.

### ***Sexual Assault***

Sexual assault is defined as sexual intercourse without consent, including rape (whether by acquaintance or stranger), sodomy or other forms of sexual penetration. To constitute lack of consent, the acts must be committed either by force, threat of force, intimidation, or through use of the victim's mental helplessness of which the accused was aware or should have been aware. Mental helplessness includes incapacitation by alcohol or other drugs. Sexual assault also includes intentional touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the victim's consent, as well as touching or fondling of the accused by the victim when the victim is forced to do so against his or her will. Verbal misconduct, without accompanying physical contact as described above, is not defined as sexual assault. Verbal misconduct may constitute sexual harassment, which is also prohibited under VCCS regulations and is specifically addressed below. If the assault occurs on College property, it should be reported to the Campus Police. A counselor will assist in obtaining medical assistance and discuss the rights and options with the assaulted individual. Complaints of sexual assault may be filed in writing with the Vice President for Academic Affairs and Student Services or the College's Equal Employment Opportunity (EEO) Officer.

### ***Sexual Harassment***

CVCC strives to provide a working and educational environment for all faculty, staff and students that is free from sexual harassment. Sexual harassment directed to a student, employee, or applicant for employment or matriculation is contrary to the policy of the State Board. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature which is intimidating, hostile, or offensive. Sexual harassment shall be considered to have occurred when: (1) accepting or tolerating such conduct is made a term or condition of a student's status or an individual's employment either explicitly or implicitly; (2) accepting or rejecting such conduct is used as the basis for academic or employment decisions affecting the student or employee; or (3) such conduct creates an intimidating, hostile, or offensive working or learning environment, or substantially interferes with an employee's work performance or a student's academic performance. Complaints of sexual harassment may be handled through established grievance procedures or complaints may be discussed or filed in writing with the Vice President for Academic Affairs and Student Services or the College's Equal Employment Opportunity (EEO) Officer.